



Steve Bellone

SUFFOLK COUNTY EXECUTIVE

Natalie Wright  
Commissioner

Department of Economic Development and Planning  
Division of Planning and Environment

**STAFF REPORT****SECTIONS A14-14 THRU A14-24 OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE**

**Applicant:** Steel Lake Grove LLC  
**Municipality:** Village of Lake Grove  
**Location:** southwest corner of New Moriches Road and Burr Lane

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**Received:** 8/3/2021  
**File Number:** Lg-21-01  
**T.P.I.N.:** 0208 00900 0100 004000  
**Jurisdiction:** within 500 feet of municipal boundaries and within 500 feet of NYS Rte. 347

**ZOING DATA**

- Zoning Classification J Business 3/SCB
- Minimum Lot Area (Sq Ft):
- Section 278: NA
- Obtained Variance: NA

**SUPPLEMENTARY INFORMATION**

- Within Agricultural District: NA
- Shoreline Resource/Hazard Consideration: NA
- Received Health Services Approval: NA
- Property Considered for Affordable Housing Criteria: NA
- Property has Historical/Archaeological Significance: NA
- Property Previously Subdivided: NA
- Property Previously Reviewed by Planning Commission: NA
- SEQRA Information: Yes
- SEQRA Type Unlisted
- Minority or Economic Distressed No

**SITE DESCRIPTION**

- Present Land Use: Department Store and Auto Service Center
- Existing Structures: Attached "Big Box" and stand alone Auto Service Center
- General Character of Site: level
- Range of Elevation within Site: 95'-100' abs
- Cover: Buildings, Asphalt and some landscaping
- Soil Types: Haven, Plymouth and Riverhead Series
- Range of Slopes (Soils Map): 0-15%
- Waterbodies of Wetlands: none

## **NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST**

- Type: site plan
- Layout: conversion of buildings
- Area of Tract (Acres): 20
- Yield Map: NA
  - No. of Lots: 1
  - Lot Area Range (Sq. Ft.): NA
- Open Space (Acres): 0

## **ACCESS**

- Roads: Public
- Driveways: private

## **ENVIRONMENTAL INFORMATION**

- Stormwater Drainage
  - Design System: catch basins - leaching pools
  - Recharge Basins: no
- Groundwater Management Zone: I
- Water Supply: public
- Sanitary Sewers: private STP on Mall grounds

## **PROPOSAL DETAILS**

### **OVERVIEW**

Applicants seek Village Planning Board site plan approval for the change of use and redevelopment of the former 220,050 gross square foot, two story Sears and Sears Auto Center facility to office and medical use. The two story Sears Department Store is attached as an anchor to the Smith Haven Mall. The Sears Auto Center is a stand-alone building. The remainder of the proposed redevelopment site is asphalt surface parking and some associated landscaping. The subject site is a 20 acre parcel as part of the Smith Haven Mall Super-Regional Shopping Center.

The 120 acre Smith Haven Mall site features five anchor stores (Macy's, JC Penney, Sears, Dicks Sporting Goods and Barns & Noble) recently JC Penny and Sears have closed and have not been backfilled. The Mall has approximately 155 stores and approximately 6,227 off street parking spaces. The gross leasable area of the Mall is approximately 1,302,412 square feet. Between 2006 and 2007 a lifestyle village including Dicks Sporting Goods, Cheesecake Factory restaurant, a Barns and Noble and other upscale brand stores was added to the mall total square footage.

The Smith Haven Mall is located in both the Town of Smithtown (western half) and the Inc. Village of Lake Grove (eastern half). The town of Brookhaven bounds the mall to its immediate north and coincides with the Village boundary.

The subject Sears development site is substantially located in the Inc. Village of Lake Grove's J Business 3 zoning district. The district does not have a floor area ratio established for the zone. The site is also partially in the Town of Smithtown's Shopping Center Business (SCB) District with an FAR of 0.4.

The subject property is located on the southwest corner of New Moriches Road (Town road) and Burr Lane (internal street). The property is approximately 475 feet south of NYS Rt. 347 (Nesconset Highway) and the Town of Brookhaven municipal line.

As noted above the subject development lot and building are divided unequally by the municipal line of the Inc. village of Lake Grove and the Town of Smithtown. The predominant portion of the building is located in the Inc. Village of Lake Grove. The Town of Smithtown has

responded to advisories of the project by Suffolk County Planning Commission staff that “the Town of Smithtown has been coordinating with the Village of Lake Grove and we do not have any objection to the proposal pending before the Village. The Town, however will require separate building permits for proposed renovations located on the portion of the building within the Town boundary. We would request that building permits not be issued until the applicant has demonstrated compliance with sanitary flow standards of the Suffolk County Department of Health Services Office of Wastewater Management.”

A review of the character of the land use and zoning pattern in the vicinity indicates that the subject premise is located in an area of J Business 3 zoning stretching from the north at NYS Rt. 347 south to NYS Rt. 25 and beyond. To the west the property abuts town of Smithtown Shopping Center Business (SCB) District (much of the Smith Haven Mall is located in the SCB district). To the east the subject property borders New Moriches Rd. and Planned Retirement Community Zoning on the east side of the road. A commercially zoned corridor extends eastward along NYS Rte. 347 from New Moriches Road as well as NYS Rt. 25. Westward along NYS 347 along the north side in the Town of Smithtown Residential zoning predominates on the south side a mix of various commercial zoning districts can be found. Land use in the area is generally consistent with the zoning districts. The major predominantly residential uses extend eastward and northwest of the subject site.

There are multiple existing access points into the proposed redevelopment site. Primary access from the north (NYS Rte. 347) is via Smith Haven Plaza and Burr lane. There are two points into the parking area. From the south and west the site takes cross-access from the Mall parking lots. There is no direct access from New Moriches Rd. to the east or Alexander Rd. to the west.

Parking required for the proposed change of use to office and medical use is 1,376 spaces and 1,635 spaces are provided.

Potable water is to be provided by existing connection to the Suffolk County Water Authority. Sanitary waste will be directed by existing connection to the Smith Haven Mall sewage treatment facility (P-BR-53) at the southeast corner of the Mall property.

The subject property is situated in Hydro-geologic Ground Water Management Zone I pursuant to Article 6 of the Suffolk County Sanitary Code. The site is not located in a Special Groundwater Protection Area (SGPA). The subject site is not located in a State Critical Environmental Area. No local, state or federally regulated wetlands occur on site. The site is not located in a Pine Barrens region of Suffolk County.

It should be noted that the subject application is not located in a minority and/or economically distressed community as defined by commission guidelines and required to be reported pursuant to Resolution 102-2006 of Suffolk County.

## **STAFF ANALYSIS**

**GENERAL MUNICIPAL LAW CONSIDERATIONS:** New York State General Municipal Law, Section 239-l provides for the Suffolk County Planning Commission to consider inter-community issues. Included are such issues as compatibility of land uses, community character, public convenience and maintaining a satisfactory community environment.

The subject redevelopment site is within the Smith Haven Mall Super-Regional Shopping Center. The mall is approximately 120 acres of mixed use retail and retail food establishments. The “big box” nature of the prior use is proposed to change little in gross square footage and the profile, in terms of massing and height, will also remain little changed. Details of the façades appearance is a local determination but it is noted that the architecture of the façade may set the tone of any overall façade renovation of the Mall. In terms of regional considerations however, it is possible for the change of use and site plan to be executed in

such a way as to comply with existing zoning and as to maintain a satisfactory community environment.

**COMPREHENSIVE PLAN RECOMMENDATIONS:** The 1968 Incorporated Village of Lake Grove Master Plan and the 2004 Business Districts Plan make no specific recommendations for this property.

The Suffolk County Department of Economic Development and Planning and the Suffolk County Planning Commission have been working with local municipalities and the building industry on model guidelines for the conversion and adaptive reuse of commercial properties, particularly “Big Box”, shopping centers and other vacant buildings. The concept is to use floating overlay zoning districts based on design criteria and performance standards.

With regard to design criteria, the criteria for shopping centers, strip malls and traditional malls should be tailored for each individual project through a Preliminary Development Concept Plan (which this application can be considered if desired). Development of property classified as a “conversion” should comply with the dimensional regulations and other conditions and requirements established by a “Regulating Plan” of a specifically developed “Form Based Code” for the proposed project (examples of Form Based Codes are: the Town of Southampton Hampton Bays Form Based Code, the Town of Babylon East Farmingdale TOD Form-Based Code, the Brookhaven Town Ronkonkoma TOD Zone, the Village of Patchogue Downtown Redevelopment Zone, the Town of Islip Downtown Development District or the Form Based Code for Heartland Town Square, etc.) This project would be the ideal trigger for such a process to begin for the Smith Haven Mall.

With regard to performance standards the concept for conversion would include metrics such as the following:

Land use identified as a parcel of land containing an underperforming and/or vacant stand-alone building site (including but not limited to “big box” retail, bowling alleys, health clubs, office buildings, etc.), strip mall, traditional mall, or shopping center, provided that the site should be located a convenient distance (less than approximately ¼ - ½ mile) from:

- a. Transportation/transportation options on site or
  - i. Frontage on a state or county road or major local road with mass transit options
  - ii. LIRR train station
- b. Central business district-like or hamlet-like area that provides
  - i. Personal services
  - ii. Retail food
  - iii. Shopping
  - iv. Community facilities
- c. Recreational open space
- d. Public utilities
  - i. Public water provided by a public potable water supplier
  - ii. Municipal or County sewer or advanced on-site waste water treatment pursuant to Article 6 of the Suffolk County Sanitary Code

It would appear that the proposed change of use and redevelopment of the former 220,050 gross square foot, two story Sears and Sears Auto Center facility to office and medical use meets the above criteria as the subject site is proximate to State and County roads and is serviced by multiple mass transit bus routes including; S57, S58, S59, S60, S62, S63, S69, 3D and 6B.

The Smith Haven Mall provides (or can provide) a reasonable facsimile of central business district-like area uses including personal services, retail food, shopping and community facilities within walking distance to the proposed components of the office and medical use.

The site is also served with public utilities.

The Short Environmental Assessment Form, prepared by the applicant and referred to the Suffolk County Planning Commission from the Inc. Village of Lake Grove does not have specific waste water flow calculation, nor did it include motor vehicle trip generation data. An ideal adaptive reuse would be a use that does not generate more waste water flow or motor vehicle trip generation than the prior permitted use.

Theoretical calculations conducted by Planning Commission staff indicate that it is possible that motor vehicle trip generation for the conversion to office/medical office would be less than half of the prior retail and auto service use but waste water flow may be slightly more. The applicant should contact/continue dialogue with the Suffolk County Department of Public Works with respect to connection to sewage treatment plant P-BR-53. Suffolk County Planning Commission staff is in agreement with Town of Smithtown staff that no building permits should be issued until the applicant has demonstrated compliance with sanity flow standards of the Suffolk County Department of Health Services Office of Wastewater Management.”

The applicant should also submit a Traffic Impact Analysis to the Inc. Village of Lake Grove to be shared with NYS DOT and SCDPW to assess local intersectional conditions and the need for any mitigation to signals or striping etc.

It is the opinion of Suffolk County Planning Commission staff, that the existing mall and surrounding shopping centers are not safely walkable to the proposed office building from the exterior of the buildings. The design of the area roadway network and motor vehicle trip volumes are not conducive to pedestrians. Occupants of the proposed office building would find it difficult to walk to any of the shopping centers in the area. It is further the belief of the staff that the submitted conceptual site plan design of the proposed office/medical office building does not address pedestrian circulation and should be revised to show safe pedestrian connectivity to the adjacent commercial and residential developments.

It is the belief of the staff that the proposed use is an adaptive reuse of an existing developed site and that the proposed site plan is conceptually approvable.

## **STAFF RECOMMENDATION**

**Approval** of the change of use and redevelopment of the former 220,050 gross square foot, two story Sears and Sears Auto Center facility to office and medical use with the following comments:

Comments:

1. The applicant should contact/continue dialogue with the Suffolk County Department of Public Works with respect to connection to sewage treatment plant P-BR-53. No building permits should be issued until the applicant has demonstrated compliance with sanity flow standards of the Suffolk County Department of Health Services Office of Wastewater Management.”
2. The applicant should submit a Traffic Impact Analysis to the Inc. Village of Lake Grove to be shared with NYS DOT and SCDPW to assess local intersectional conditions and the need for any mitigation to traffic control devices or striping, etc.
3. The applicant should be encouraged to review the Commissions publication on Managing Stormwater-Natural Vegetation and Green Methodologies and incorporate into the proposal, where practical, design elements contained therein.
4. No mention of the consideration of energy efficiency is provided in the referral material to the Suffolk County Planning Commission. The applicant should be encouraged to review the Suffolk County Planning Commission Guidebook particularly with respect to energy efficiency and incorporate where practical, elements contained therein. Accommodation for rooftop solar,

now or in the future, should be considered during building design.

5. The applicant should review the Planning Commission guidelines particularly related to public safety and incorporate into the proposal, where practical, design elements contained therein.

6. The applicant should review the Planning Commission guidelines particularly related to universal design and incorporate into the proposal, where practical, design elements contained therein.

7. The Inc Village of Lake Grove and the applicant when reviewing parking may wish to consider the installation of an Electric Vehicle charging stations to reduce Greenhouse gas emissions, parking stall demand, and motor vehicle trip generation on site.

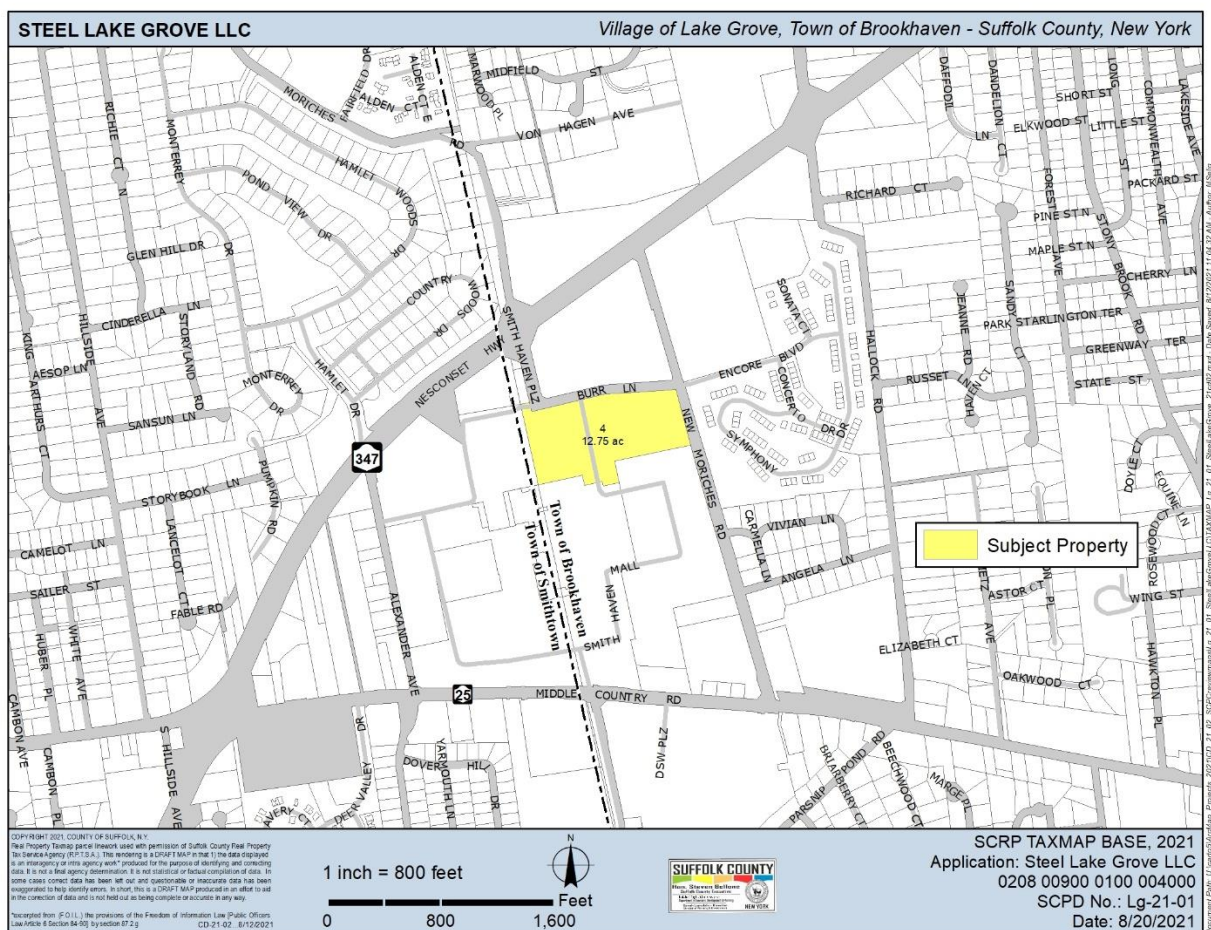
8. The Inc. Village of Lake Grove and the applicant may wish to investigate methodologies to reduce parking demand for employer and employees working on site. Techniques may include, but are not limited to parking management programs, employee commute options (rideshare incentives, preferred HOV parking), discounted transit passes (if applicable), provision of bicycle parking facilities, etc. The applicant should investigate "Parking Stall Demand Reduction" or "PSDR" techniques for the creation of additional buffers and natural storm water treatment. The Suffolk County Planning Commission has produced a draft "model code" and report on such PSDR techniques and has recommended that no building or structure should be constructed, used or occupied without the adoption of Parking Stall Demand Reduction (PSDR) techniques conditioned, through covenants and restrictions, on land use and development approvals issued by municipal planning boards. For convenience a link to the model code is provided below:

<https://www.suffolkcountyny.gov/portals/0/formsdocs/planning/SCPlanningCommission/2019/PSDR%20Final%20Draft%20103019.pdf>

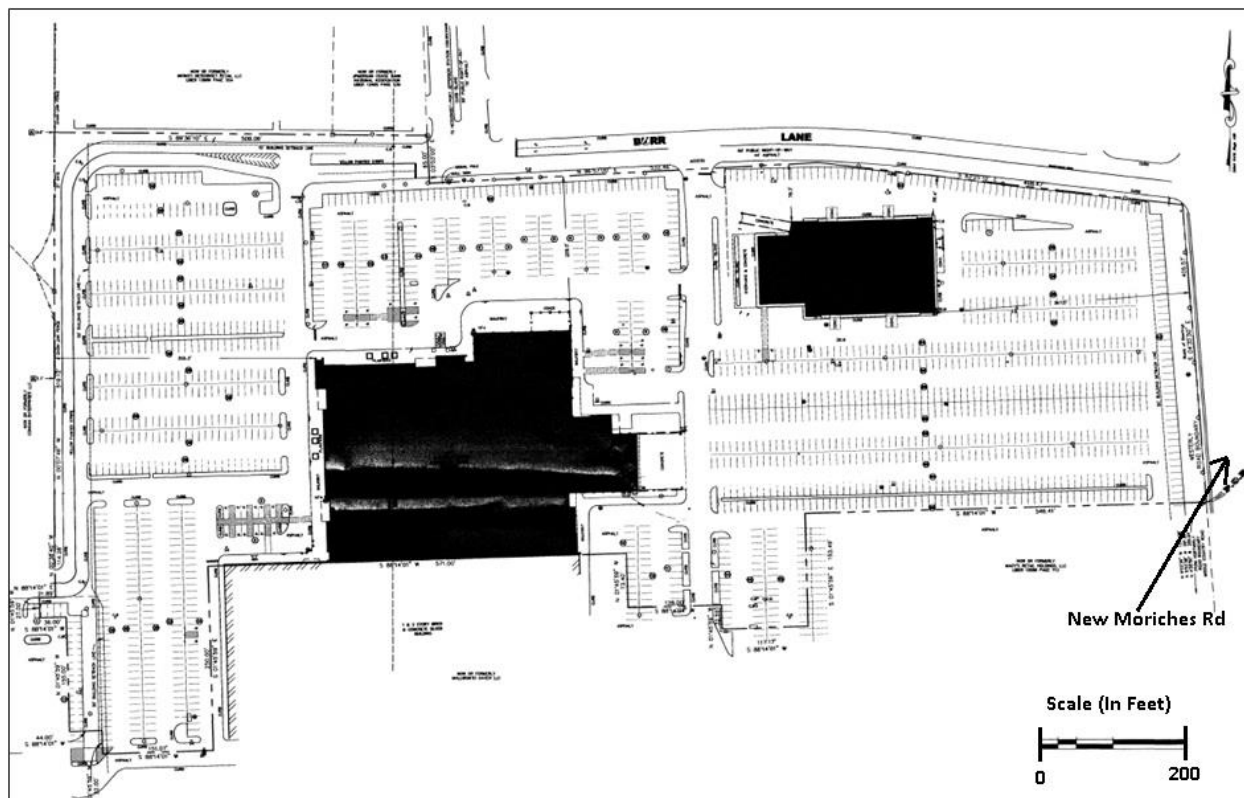
Area created may provide additional land for stormwater treatment via natural methodologies (see comments above).

9. The submitted conceptual site plan design of the proposed office/medical office building does not address pedestrian circulation and should be revised to show safe pedestrian connectivity to the adjacent commercial and residential developments.

## Tax Map

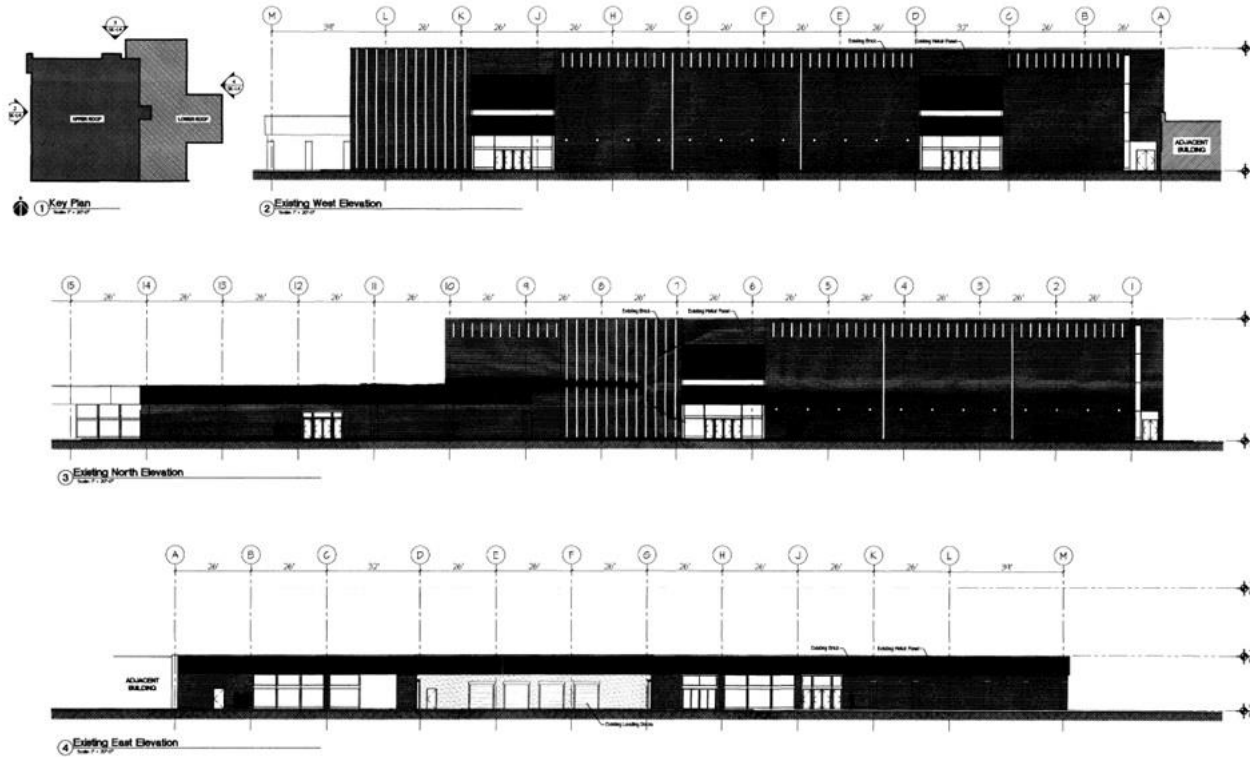


## Site Plan





## Existing Elevations



## Proposed Elevations

